

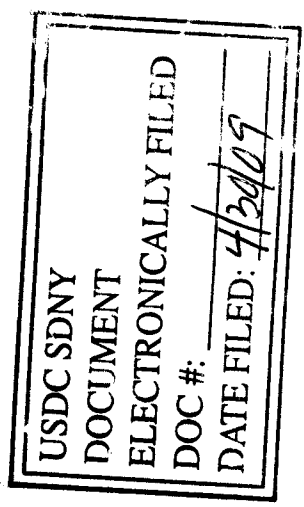
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

09 CRIM 435

-----X
:
UNITED STATES OF AMERICA
:
-v.-
:
ELIOT VILLAR,
a/k/a "Jesus Diaz,"
INDIRA MARTINEZ,
a/k/a "Sylvia Ortiz Camacho,"
YOLANDY TORRES,
a/k/a "Judith Cardona-Vale,"
a/k/a "Judith Cardona,"
a/k/a "Avilda Lugo-Cintron,"
a/k/a "Martiza Lugo-Velez,"
a/k/a "Maribel Cruz-Rosa," and
HECTOR CASTILLO GUANTE,
a/k/a "Hector Guante,"
a/k/a "Armando Alamo,"
a/k/a "Armando Alamo-Roman,"
:
Defendants.
:
-----X

INDICTMENT

09 Cr.



COUNT ONE

The Grand Jury charges:

1. From at least in or about July 2007, up through and including in or about April 2008, in the Southern District of New York and elsewhere, ELIOT VILLAR, a/k/a "Jesus Diaz," and INDIRA MARTINEZ, a/k/a "Sylvia Ortiz Camacho," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Sections 1343 and 1344 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that ELIOT VILLAR, a/k/a "Jesus Diaz," and INDIRA MARTINEZ, a/k/a "Sylvia Ortiz Camacho," the defendants, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, unlawfully, willfully, and knowingly, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

3. It was further a part and an object of the conspiracy that ELIOT VILLAR, a/k/a "Jesus Diaz," and INDIRA MARTINEZ, a/k/a "Sylvia Ortiz Camacho," the defendants, and others known and unknown, unlawfully, willfully, and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud financial institutions, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institutions, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

Overt Acts

3. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about February 13, 2008, ELIOT VILLAR, a/k/a "Jesus Diaz," the defendant, submitted an electronic application in the name of an individual ("Victim-1") from VILLAR's apartment in the Bronx, New York to Capital One Auto Finance ("Capital One") in Plano, Texas for a car loan for approximately \$30,000.

b. On or about February 14, 2008, Capital One issued a loan in the name of Victim-1 for approximately \$30,000 in support of a purchase of a 2004 BMW 545I in Miami, Florida.

c. On or about February 29, 2008, a checking account at Wachovia Bank, N.A. ("Wachovia Account-1") was opened electronically in the name of Victim-1 and with an address in the Bronx, New York.

d. On or about March 14, 2008, a \$9,100 check written out to "Silvia Ortiz Camacho" ("Victim-1 Check") from Wachovia Account-1, and with a memo line that reads "BMW 545 2004 - 1 Half," was deposited into a Wachovia checking account in the name of "Sylvia Ortiz Camacho" ("Wachovia Account-2") at a Wachovia branch in Allentown, Pennsylvania.

e. On or about March 15, 2008, INDIRA MARTINEZ,

a/k/a "Sylvia Ortiz Camacho," the defendant, made a withdrawal in the amount of \$4,500 from Wachovia Account-2 at the Allentown Wachovia Branch and another withdrawal in the amount of \$4,500 at a Wachovia Branch in Wind Gap, Pennsylvania.

(Title 18, United States Code, Section 1349.)

COUNT TWO

The Grand Jury further charges:

4. In or about February 2008, in the Southern District of New York and elsewhere, ELIOT VILLAR, a/k/a "Jesus Diaz," the defendant, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, VILLAR, having devised a scheme to defraud Capital One Auto Finance through false and fraudulent car loan applications, did cause a car loan to be issued through the submission of an electronic application on February 13, 2008, from an apartment in the Bronx, New York, to Plano, Texas.

(Title 18, United States Code, Sections 1343 & 2.)

COUNT THREE

The Grand Jury further charges:

5. From in or about May 2005, up through and including in or about May 2008, in the Southern District of New York and elsewhere, ELIOT VILLAR, a/k/a "Jesus Diaz," YOLANDY TORRES, a/k/a "Judith Cardona-Vale," a/k/a "Judith Cardona," a/k/a "Avilda Lugo-Cintrón," a/k/a "Martiza Lugo-Velez," a/k/a "Maribel Cruz-Rosa," and HECTOR CASTILLO GUANTE, a/k/a "Hector Guante," a/k/a "Armando Alamo," a/k/a "Armando Alamo-Roman," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to violate Section 1028(a)(7) of Title 18, United States Code.

6. It was a part and an object of said conspiracy that ELIOT VILLAR, a/k/a "Jesus Diaz," YOLANDY TORRES, a/k/a "Judith Cardona-Vale," a/k/a "Judith Cardona," a/k/a "Avilda Lugo-Cintrón," a/k/a "Martiza Lugo-Velez," a/k/a "Maribel Cruz-Rosa," and HECTOR CASTILLO GUANTE, a/k/a "Hector Guante," a/k/a "Armando Alamo," a/k/a "Armando Alamo-Roman," the defendants, and others known and unknown, unlawfully, willfully, and knowingly, would and did transfer, possess, and use, without lawful authority, a means of identification of another person with the intent to commit, and to aid and abet, and in connection with, any unlawful activity that constitutes a violation of Federal law, and that constitutes a felony under any applicable

State or local law, in violation of Title 18, United States Code, Section 1028(a)(7).

Overt Acts

7. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about May 12, 2005, YOLANDY TORRES, a/k/a "Judith Cardona-Vale," a/k/a "Judith Cardona," a/k/a "Avilda Lugo-Cintron," a/k/a "Martiza Lugo-Velez," a/k/a "Maribel Cruz-Rosa," the defendant, was issued an Ohio Temporary Instruction ID Card using the identification information of a victim.

b. On or about February 6, 2008, HECTOR CASTILLO GUANTE, a/k/a "Hector Guante," a/k/a "Armando Alamo," a/k/a "Armando Alamo-Roman," the defendant, emailed names, dates of birth, and social security numbers of approximately nine victims to ELIOT VILLAR, a/k/a "Jesus Diaz," the defendant, in the Bronx, New York.

c. On or about February 15, 2008, VILLAR emailed names, dates of birth, and social security numbers of approximately 10 victims from the Bronx, New York to TORRES.

(Title 18, United States Code, Section 1028(f).)

COUNT FOUR

The Grand Jury further charges:

8. From at least in or about July 2007, up through and including in or about April 2008, in the Southern District of New York and elsewhere, ELIOT VILLAR, a/k/a "Jesus Diaz," and INDIRA MARTINEZ, a/k/a "Sylvia Ortiz Camacho," the defendants, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, VILLAR and MARTINEZ possessed, used and transferred, without lawful authority, a means of identification of others to conspire to commit wire fraud and bank fraud, as charged in Count One of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1)
and (c)(5).)

COUNT FIVE

The Grand Jury further charges:

9. In or about February 2008, in the Southern District of New York and elsewhere, ELIOT VILLAR, a/k/a "Jesus Diaz," the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, VILLAR possessed, used and transferred,

without lawful authority, a means of identification of others to commit wire fraud, as charged in Count Two of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1) and (c)(5).)

FORFEITURE ALLEGATION
AS TO COUNT ONE

10. As a result of committing the offense alleged in Count One of this Indictment, ELIOT VILLAR, a/k/a "Jesus Diaz," and INDIRA MARTINEZ, a/k/a "Sylvia Ortiz Camacho," the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(A), any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of said offense.

Substitute Asset Provision

11. If any of the above-described forfeitable property, as a result of any act or omission of ELIOT VILLAR, a/k/a "Jesus Diaz," and INDIRA MARTINEZ, a/k/a "Sylvia Ortiz Camacho," the defendants:

- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third person;
 - c. has been placed beyond the jurisdiction of the Court;
 - d. has been substantially diminished in value;
- or

e. has been commingled with other property which cannot be subdivided without difficulty;
it is the intent of the United States, pursuant to 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of ELIOT VILLAR, a/k/a "Jesus Diaz," and INDIRA MARTINEZ, a/k/a "Sylvia Ortiz Camacho," the defendants, up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 982 and 1028;
Title 21, United States Code, Section 853.)

FORFEITURE ALLEGATION
AS TO COUNT TWO

12. As a result of committing the offense alleged in Count Two of this Indictment, ELIOT VILLAR, a/k/a "Jesus Diaz," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(A), any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of said offense.

Substitute Asset Provision

13. If any of the above-described forfeitable property, as a result of any act or omission of ELIOT VILLAR, a/k/a "Jesus Diaz," the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of ELIOT VILLAR, a/k/a "Jesus Diaz," the defendant, up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982;
Title 21, United States Code, Section 853.)

FORFEITURE ALLEGATION
AS TO COUNT THREE

14. As a result of committing the offense alleged in Count Three of this Indictment, ELIOT VILLAR, a/k/a "Jesus Diaz," YOLANDY TORRES, a/k/a "Judith Cardona-Vale," a/k/a "Judith Cardona," a/k/a "Avilda Lugo-Cintrón," a/k/a "Martiza Lugo-Velez," a/k/a "Maribel Cruz-Rosa," and HECTOR CASTILLO GUANTE, a/k/a "Hector Guante," a/k/a "Armando Alamo," a/k/a "Armando Alamo-Roman," the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(B), any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said offense and, pursuant to 18 U.S.C. § 1028(b)(5), any and all property used or intended to be used to commit said offense .

Substitute Asset Provision

15. If any of the above-described forfeitable property, as a result of any act or omission of ELIOT VILLAR, a/k/a "Jesus Diaz," YOLANDY TORRES, a/k/a "Judith Cardona-Vale," a/k/a "Judith Cardona," a/k/a "Avilda Lugo-Cintron," a/k/a "Martiza Lugo-Velez," a/k/a "Maribel Cruz-Rosa," and HECTOR CASTILLO GUANTE, a/k/a "Hector Guante," a/k/a "Armando Alamo," a/k/a "Armando Alamo-Roman," the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;

or

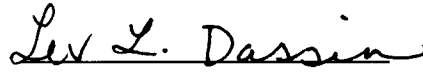
e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of ELIOT VILLAR, a/k/a "Jesus Diaz," YOLANDY TORRES, a/k/a "Judith Cardona-Vale," a/k/a "Judith Cardona," a/k/a "Avilda Lugo-Cintron," a/k/a "Martiza Lugo-Velez," a/k/a "Maribel Cruz-Rosa," and HECTOR CASTILLO GUANTE, a/k/a "Hector Guante,"

a/k/a "Armando Alamo," a/k/a "Armando Alamo-Roman," the
defendants, up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982;
Title 21, United States Code, Section 853.)


FOREPERSON


LEV L. DASSIN
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ELIOT VILLAR,
a/k/a "Jesus Diaz,"
INDIRA MARTINEZ,
a/k/a "Sylvia Ortiz Camacho,"
YOLANDY TORRES,
a/k/a "Judith Cardona-Vale,"
a/k/a "Judith Cardona,"
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a/k/a "Martiza Lugo-Velez,"
a/k/a "Maribel Cruz-Rosa," and
HECTOR CASTILLO GUANTE,
a/k/a "Hector Guante,"
a/k/a "Armando Alamo,"
a/k/a "Armando Alamo-Roman,"

Defendants.

INDICTMENT

09 Cr.

(18 U.S.C. Sections 1028, 1028A, 1343,
1349, and 2.)

LEV L. DASSIN
Acting United States Attorney.

A TRUE BILL


Foreperson.
